

REMARKS

Claims 1, 3 - 13, 15, 17 - 23, 25 - 27, 29 - 31 and 34 - 36 are in this application. Claims 15, 17 - 23, 25 - 27, 29 and 34 - 36 have been allowed.

Applicant presents claims 1 and 31 for reconsideration. Claim 34 has been corrected.

The drawings have been objected to. It has been noted that the drawing changes proposed in the response of November 15, 2000 have not been included in the new formal drawings. Applicant now submits a set of new formal drawings including the drawing changes. Approval of the new formal drawings is requested. Applicant wishes to thank the Examiner for the careful review and for the help in noting this oversight.

Claims 34 - 36 have been objected to. Claim 34 has now been corrected such that these claims should now be in condition for allowance.

Claims 1 and 31 have been rejected under 35 USC § 102(e) as being anticipated by Ostman et al. (U.S. 6,483,838).

Applicant acknowledges the disclosure of Ostman including the steps shown in Fig. F. However, the inventors of the present application conceived and were diligent toward reduction to practice starting from a date prior to the effective prior art date of Ostman et al.. Specifically, prior to November 9, 1998 the particulars of the claim in claims 131 were in the possession of the inventors of the present application and the inventors were diligent toward reducing the subject matter to practice by the act of preparing and filing a Patent Application filed December 1, 1998. This is established by the attached Affidavit submitted herewith.

Applicant's representative wishes to declare as follows.

Applicant's representative attempted to contact the individual inventors in order to

present an appropriate Affidavit under 37 CFR 1.131 with regard to the prior art reference Ostman. Particularly, it came to Applicant's attention that the present application is based on an invention conceived prior to the effective filing date of Ostman (prior to November 9, 1998). The present application was filed on December 1, 1998. The present application is assigned to 3Com Corporation which is the successor to NBX Corporation. The original inventors worked for NBX Corporation and left this company some time ago. Applicant's representative obtained some contact information for each of the inventors. Inventor Henry Houh indicated that he had no information regarding the invention and that he had left information with Steven Weeks of NBX and 3Com. He indicated that he is not available at this time to present information for a Rule 131 Affidavit. Mr. Pehr Anderson indicated that he would check his records but after indicating this to the undersigned Mr. Anderson has not responded to request to assist in the present application with regard to swearing behind the Ostman reference. Mr. Chris Gadda has not responded to requests (or the requests have not reached him). Accordingly, the inventors are not available to sign an Affidavit. However, the attached Affidavit of Mr. Steven Weeks, the Director of Engineering of NBX and 3Com Voice Division indicates that the attached papers were held by NBX and 3Com in the normal course of business and indicate a conception of the invention prior to the effective filing date of Ostman with diligence towards reduction of practice. Particularly the date of the document October 9, 1998 shows possession of the invention prior to Ostman and the filing date indicates a clear diligence toward reducing the subject matter of practice. As such Applicant has presented information from the owner of the application which indicates that the inventors possessed the invention prior to the effective filing date of the prior art.

It is Applicant's position that all claims are now in condition for allowance.

Accordingly, Applicant respectfully requests that the Examiner favorably consider the claims based on this response.

Respectfully submitted  
for Applicant,

By: 

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McGLEW AND TUTTLE, P.C.

JJM:tf  
63186.13

Enclosed: Marked-Up Version of Claim 34  
Letter Submitting New Formal Drawings  
Affidavit  
Petition for One Month Extension of Time

DATED: April 7, 2003  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-0827  
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SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE  
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-  
0410.

## MARKED-UP VERSION OF CLAIM 34

34. (TWICE AMENDED) A network method for forwarding packets, the method comprising:

providing a device with a local audio source and a packet controller for forming local audio packets;

providing a packet forwarding device with a memory, said packet forwarding device being connected to the device and being connected to a first collision domain and a second collision domain;

receiving packets at the packet forwarding device from the device, from the first collision domain and from the second collision domain and storing the packets in the memory of the packet forwarding system;

providing a time limit for local audio packets to be held in the memory;

attempting to forward packets stored in the memory to any one of the device and the first collision domain and the second collision domain;

monitoring an elapsed period of time while attempting to forward the local audio packet stored in the memory to one of the first collision domain and the second collision domain; and

canceling said attempting to forward the local audio packet stored in the memory to the one of the first collision domain and the second collision domain, wherein said audio packet contains time sensitive audio data and no time limit or a different time limit is established for packets received from one of said first collision domain and said second collision domain other than for packets received with audio data.